

### ***REMARKS***

This is a full and timely response to the outstanding non-final Office Action mailed December 2, 2004. Reconsideration and allowance of the application and presently pending claims 12-24 and 38-53, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 12-24 and 38-43 remain pending in the present application. More specifically, claims 12, 19 and 23 are directly amended, claims 1-11 and 25-37 are canceled in view of the Restriction Requirement, and claims 38-53 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response to Restriction Requirement of Claims 1-37

The Examiner has required the Applicants to elect to prosecute one of three groups of claims identified in the Office Action. In response to the restriction requirement, Applicants respectfully elect to prosecute the claims of Group II, corresponding to claims 12-24. Claims 1-11 and 25-37 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public

3. Response to Rejection of Claims 12-13, 18-19 and 22 Under 35 U.S.C. §102(b)

In the Office Action, claims 12-13, 18-19 and 22 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Allen et al.* (U.S. Patent 5,768,633), hereinafter *Allen*. For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claims 12 and 19

Applicants respectfully submit that independent claim 12, as amended, is allowable for at least the reason that *Allen* does not disclose, teach, or suggest the feature of “a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices” as recited in claim 12. Furthermore, independent claim 19, as amended, is allowable for at least the reason that *Allen* does not disclose, teach, or suggest having the feature of “associating the captured image of interest with the received event bookmark and with information corresponding to a time at which the image is captured in relation to the event, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices” as recited in claim 19.

Applicants believe that *Allen* does not disclose, teach, or suggest capturing an image such that a plurality of images captured by other image capture devices and the captured image may be temporally sequenced with respect to the event. At most, *Allen* discloses that “camera unit 20 includes a camera 22 brought into the vicinity of the trade show booth 11 by a trade show visitor 24. The camera 22 is capable of receiving information wirelessly through a transceiver section” (Col. 2, lines 63-67). *Allen* further discloses that the information is “related to a product 19 on display, such as the product name, company name, the price of the product, and the Uniform Resource Locator (URL) address of the product catalogue on the internet system” (Col. 2, lines 57-60). Then, the “captured image is stored in an image recording section 44 (e.g., film, magnetic, solid state, etc.), where information identifying the product 19 can also be attached to the image” (Col. 3, lines 21-24). Nowhere is there any disclosure whatsoever in *Allen* that any of the communicated information, or any other type of information, is associated with the captured image such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices. Thus, *Allen* does not anticipate claims 12 or 19, and the rejection to these claims should be withdrawn.

b. Claims 13, 18 and 22

Because independent claim 12 is allowable over the cited art of record, dependent claims 13 and 18 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that the dependent claims 13 and 18 contain all features/elements of independent claim 12. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Similarly, because independent claim 19 is allowable over the cited art of record, dependent claim 22 (which depends from independent claim 19) is allowable as a matter of law for at least the reason that the dependent claim 22 contains all features/elements of independent claim 19. Accordingly, the rejection to these claims should be withdrawn.

4. Response to Rejection of Claims 23 and 24 Under 35 U.S.C. §102(e)

In the Office Action, claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Nakamura* (U.S. Patent 56,337,951), hereinafter *Nakamura*.

a. Claim 23

Applicants respectfully submit that independent claim 23, as amended, is allowable for at least the reason that *Nakamura* does not disclose, teach, or suggest a computer readable medium having the feature of “associating the captured image of interest with the received event bookmark and with information corresponding to a time at which the image is captured in relation to the event, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices” as recited in claim 23.

Applicants believe that *Nakamura* does not disclose, teach, or suggest capturing an image such that a plurality of images captured by other image capture devices and the captured image may be temporally sequenced with respect to the event. At most, *Nakamura* discloses a “camera ... comprised of a receiver for receiving photo data sent from a remote data sender installed in a designated place; and a memory for storing the photo data in association with an image photographed at the designated place” (Col. 1, lines 53-58). “The photo data is used for printing or displaying literal information about a scene or subject of the photographed image” (Abstract). “The photo data from the data sender includes scene data, the scene data contains literal or

audio information about the scene or subject to be photographed at the place the data sender is installed. The photo data written in the memory is preferably recorded on a data storage device” (Col. 1, Line 66 to Col. 2, line 3). “In this way, scene data specific to each scene is recorded in association with each photographic image without the need for manual operation to enter the photo data in the camera” (Col. 2, lines 39-42). Nowhere is there any disclosure whatsoever in *Nakamura* that any of the communicated information, or any other type of information, is associated with the captured image such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices. Thus, *Nakamura* does not anticipate claim 23, and the rejection should be withdrawn.

b. Claim 24

Because independent claim 23 is allowable over the cited art of record, dependent claim 24 (which depends from independent claim 23) is allowable as a matter of law for at least the reason that the dependent claim 24 contains all features/elements of independent claim 23. Accordingly, the rejection to this claim should be withdrawn.

5. Response to Rejection of Claims Under 35 U.S.C. §103

In the Office Action, claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Allen*, in view of *Nakamura*. Claim 15 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Allen*, in view of *Nakamura*, and in further in view of *Bando et al.* (U.S. Patent 6,636,158). Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Allen*, in view of *Squilla et al.* (U.S. Patent 6,396,537). Claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Allen*, in view of *Mauro et al.* (U.S. Patent 5,634,144). And, claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Allen*, in view of *Bando*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 12 is allowable over the cited art of record, dependent claims 14, 16 and 17 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that dependent claims 14, 16 and 17 contain all features/elements of independent claim 12. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Similarly, because independent claim 19 is allowable over the cited art of record, dependent claims 20 and 21 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that dependent claims 20 and 21 contain all features/elements of independent claim 19. Accordingly, the rejection to these claims should be withdrawn.


6. Newly Added Claims 38-53

New claims 38-53 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new matter has been added in the new claims 38-53, and that new claims 38-53 are allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claims.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 12-24 and 38-53 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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